



Haryana Government Gazette

Published by Authority

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No. 42-2023] CHANDIGARH, TUESDAY, OCTOBER 17, 2023 (ASVINA 25, 1945 SAKA)

PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA
NIRVACHAN SADAN, PLOT NO. 2, SECTOR- 17, PANCHKULA, HARYANA – 134109

Notification

The 12th October, 2023

No. SEC/1ME/2023/1680.— In exercise of the powers vested under clause (1) of the article 243 ZA of the Constitution of India, section 3A of the Haryana Municipal Act, 1973 and Rule 19 (1) the Haryana Municipal Elections Rules, 1978 and all other powers enabling me in this behalf, I, Dhanpat Singh, State Election Commissioner, Haryana, hereby prescribe the following election programme for the conduct of bye-elections of five wards, namely, Ward No. 15 of Municipal Council, Sohna, district Gurugram, Ward No. 01 of Municipal Council, Kaithal, Ward No. 16 of Municipal Council, Narnaul, district Mahendergarh, Ward No. 05 of Municipal Committee, Rajound, district Kaithal and Ward No. 11, Municipal Committee, Bawal, district Rewari:-

(1)	Date on which notice shall be published by the Returning Officer for inviting nominations under Rule 20.	14.10.2023 (Saturday)
(2)	Dates on which Nomination papers shall be presented and posted under Rule 19(2)(i)&(ii).	20.10.2023 (Friday) to 26.10.2023 (Thursday) 11.00 A.M. to 03.00 P.M. (Except 22.10.2023 & 24.10.2023 being holidays)
(3)	Date on which the nomination papers shall be scrutinized under Rule 19(2)(iii)	27.10.2023 (Friday) 11.30 A.M. onwards
(4)	Last date for withdrawal of candidature under Rule 19(2)(vi).	28.10.2023 (Saturday) Between 11.00 A.M and 3.00 P.M.
(5)	Date on which symbols shall be allotted to the contesting candidates.	28.10.2023 (Saturday) after 3.00 PM
(6)	Date on which the list of contesting candidates shall be posted under Rule 19(2)(vii).	28.10.2023 (Saturday))
(7)	Date on which list of polling stations shall be posted under Rule 19(2)(viii).	28.10.2023 (Saturday))
(8)	Date on which the poll shall be held under Rule 19(2)(ix).	05.11.2023 (Sunday)
(9)	Timing of the poll.	Between 8.00 A.M. to 5.00 P.M.
(10)	Date, time and place on which the votes polled shall be counted.	Immediately after the close of poll in all the polling stations
(11)	Date on which the election result would be declared.	Immediately after the completion of counting of votes in all the polling stations.

2. I, Dhanpat Singh, State Election Commissioner, Haryana in exercise of powers vested under rule 19 (3) & (4) of the Haryana Municipal Election Rules, 1978, authorize the Deputy Commissioners concerned to designate Returning Officers and Assistant Returning Officers who shall be the officers of the Government for the conduct of bye-elections for Ward No. 15 of Municipal Council, Sohna, Ward No. 01 of Municipal Council, Kaithal, Ward No. 16 of Municipal Council, Narnaul, Ward No. 05 of Municipal Committee, Rajound and Ward No. 11, Municipal Committee, Bawal, respectively.

3. The Returning Officer shall publish a notice of the above election programme on **14.10.2023** at his office, office of the Deputy Commissioner and Municipal Council/Municipal Committee concerned and at such other conspicuous places in the area of the Municipal Council/Municipal Committee in which the election is to be held, as determined by him in this behalf under rule 20 of the Haryana Municipal Election Rules, 1978. No nomination shall be filed on **22.10.2023** and **24.10.2023** being public holidays. During the period of nomination information about the nomination papers must be hosted on the website of the District Administration and Municipal Committee/Municipal Council concerned at least by 4.00 P.M. every day.

4. I further direct that after the withdrawal of candidature(s), a list of validly nominated candidates shall be prepared by the Returning Officer under rule 28 of the Haryana Municipal Elections Rules, 1978, in Hindi and English. A list of nominations received, nominations rejected, nominations withdrawn and contesting candidates etc. with every detail shall be published at every stage and the same must be posted at some conspicuous places and in the office of the concerned Returning Officer or at the concerned Municipal Council/Municipal Committee office.

5. I, under section 275 (1A) of the Haryana Municipal Act, 1973 read with rule 49 of the Haryana Municipal Election Rules, 1978, hereby specify that the votes shall be cast by and recording of votes by voting machines [Electronic Voting Machines (EVMs)] in the Bye-elections of the Municipal Council/Municipal Committee concerned.

6. It is further directed that the option "None of above (NOTA)" on EVMs/Ballot papers" shall be implemented in these elections. The directions in this respect given in the Commission's order issued under Endst. No. SEC/1ME/2016/3653-3659 dated 14th December, 2016 and further modification No.SEC/1ME/2018/5833-5880 dated 22.11.2018 must be followed meticulously. However, the salient features of the NOTA are as under:

- (i) NOTA shall be treated as a 'Fictional Electoral Candidate' while declaring the election results.
- (ii) In case, a contesting candidate and the "Fictional Electoral Candidate" *i.e.* NOTA securing highest and equal number of valid votes; then the contesting candidate (not NOTA) shall be declared as elected.
- (iii) If in any election, all the contesting candidates individually receive lesser votes than the 'Fictional Electoral Candidate' *i.e.* NOTA, then none of the contesting candidates will be declared as elected.
- (iv) In case of situation arising as described in sub-section (iii) above, fresh election shall be held for that seat. Further all such contesting candidates who secured less votes than NOTA shall not be eligible to re-file the nomination/contest the re-election.
- (v) However, if in re-election, NOTA again gets highest number of votes, then re-election will not be taken for second time and the contesting candidate securing the highest number of votes (excluding NOTA) shall be declared as elected.

The following procedure shall be followed in such circumstances,

- (i) If a Returning Officer, upon completion of counting of votes but before declaration of result, finds that NOTA has received higher valid votes than all other contesting candidates individually; then he (*i.e.* Returning Officer) shall not declare the result for that particular seat/s and shall immediately send his report to State Election Commission to this effect.
- (ii) Upon receipt of such report, the State Election Commission shall after satisfaction, declare the fresh election programme for the said seat/s.

7. The Commission further directs to print photographs of the contesting candidates on the ballot papers alongwith other particulars to be displayed on the balloting unit of EVMs and in the tender ballot papers in addition to the existing particulars. Photograph of the candidate shall be printed in the panel for name of the candidate and appear on right side of the name in between the name and symbol of the candidate. The size of the photograph to be printed on the ballot paper shall be 2 cm in breadth and 2.5 cm in height. The ballot for Member it shall be of white colour.

8. It is further directed that all voters of the respective area who have been issued the Electoral Photo Identity Cards for Legislative Assembly and Lok Sabha Elections and whose Electoral Photo Identity Card numbers have been mentioned in case of the Municipal Voters list also, shall have to produce these cards to exercise their franchise when coming to the polling stations for voting, the polling for which is scheduled to take place **05.11.2023**. In case of EPIC of a voter is not available then he/she may also be allowed to cast his/her vote on production of any of the following photo identity papers:-

i)	Driving License,
ii)	Income Tax PAN Card,
iii)	Service Identity Card issued to employees by Central/State Government Offices, Public Sector Undertakings, Local Bodies or other public Limited Company,
iv)	Pass Book of accounts, having photograph, opened in a scheduled bank or post office,
v)	Freedom Fighter Identity Card having photograph,
vi)	SC/ST/OBC certificate having photograph, issued by competent authority,
vii)	Certificate of Physical Handicap having photograph issued by the Competent Authority,
viii)	Arms License having photograph,
ix)	Job Cards with photograph issued under the National Rural Employment Guarantee Scheme,
x)	Property documents with photographs such as Pattas, Registered Deeds etc.,
xi)	Pension Documents such as Ex-Servicemen Pension Book/Pension Payment Order, Ex-Servicemen's Widow/Dependent Certificate, Old Age Pension Order, Widow Pension Order, with photograph,
xii)	Health Insurance Scheme Smart Cards with Photograph,
xiii)	Ration Cards or any other similar documents establishing the identity of the electors to the satisfaction of the Presiding Officer, having photograph.
xiv)	Aadhar Card issued by UIDAI
xv)	Passport

In case of an odd elector, who does not possess any of the above photo identity cards, he/she would be allowed to vote, if he/she is able to establish his/her identity to the satisfaction of the Presiding Officer and such other Polling Officer authorized by the Presiding Officer in this behalf.

9. It is further directed to make the following security arrangements for conduct of free, fair and peaceful election:-

- i. Adequate police personnel shall be deployed at the polling stations, counting centers for security and maintenance of law and order to ensure free, fair and peaceful election.
- ii. Daily law and order report shall be sent to the State Election Commission till the election process is complete.
- iii. A copy of the plan for deployment of Executive Magistrates, Sector Magistrate and police personnel must also be sent to the Commission well in time.
- iv. Provide security to the contesting candidates, if they so desire.
- v. It shall be ensured that no untoward incident takes place during elections.

10. In order to curb undesirable and illegal activities, the Commission hereby imposes restrictions to hire or procure not more than 02 vehicles by a candidate contesting for the seat of Member of a Municipal Council/Municipal Committee, whether on payment or otherwise, for use by a contesting candidate himself or his agents or his supporters on the day of poll during the election. It is also stated that :-

- i. The expression "Vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise, and whether used for drawing other vehicle or otherwise.
- ii. The contesting candidates shall be issued permits as per proforma prescribed by the Commission appended herewith. The permits shall be issued to the contesting candidates at least 2 days before the day of poll.

- iii. The District Administration shall keep a close watch on the vehicles used by persons accompanying the contesting candidates and their supporters to prevent any likely mischief, including criminal activities such as carrying of illegal arms and weapons. If any of these vehicles, either of a contesting candidate or a private owner, is found to be involved in any such act or for carting anti-social elements with the intention to intimidate or create terror in the minds of voters, it shall be the duty of local administration to impound such vehicles and not to release them till the process of elections is completed. In addition, appropriate action against the owner, the occupant/occupants and the candidate who is involved in such illegal activities shall also be taken as per law.
- iv. The District Administration shall launch a drive for the checking of vehicles immediately upon announcement of the elections and shall continue the drive till completion of the election process.
- v. All recognized National/State Political Parties in the state of Haryana and all contesting candidates or their agents authorized by them must be made aware of these guidelines/instructions.
- vi. Permit in this respect shall be issued in the performa given here as under:-

PROFORMA

MUNICIPAL BYE-ELECTIONS, 2023

Permit No. _____

Municipal Council/Municipal Committee _____

Name of Candidate _____

Contesting the election of Member from Ward No. _____

Vehicle Number _____

Returning Officer
Seal

11. In view of rule 14 A (new rule) of the Haryana Municipal Election Rules, 1978, if any person whose name is not included in the ward wise electoral roll of concerned municipality finally published, but his/her name exists in the relevant part of the electoral roll of the Legislative Assembly constituency, he/she may apply (in Form “A”) to the Returning Officer for the inclusion of his/her name in the electoral rolls of municipality till the last date of filing nomination. Returning Officer shall be the competent authority for inclusion of such name(s) in the electoral roll from the issuance of election programme till the last date of filing of nomination. The decision taken by the Returning Officer on such applications shall be final. If the name of any applicant has been included in the electoral roll of any ward of the concerned municipality and he/she intends to contest the election, he/she shall be allowed to file his/her nomination. No amendment, transposition or deletion of any entry in the electoral roll shall be made and no direction for inclusion of a name in the electoral roll of any ward shall be given, after the last date for filing of nominations for an election in that municipality.

12. The Commission further directs that the guidelines pertaining to “facilitation of voters at polling stations on polling day” issued *vide* No. SEC/1ME/2021/1238-1281 dated 11.06.2021 may be complied with meticulously during the bye-elections of the Municipal Councils/Municipal Committees.

13. Guidelines pertaining to “Publication of Criminal antecedents” issued *vide* No. SEC/1ME/2021/3057-3088 dated 17.08.2021 must also be complied with meticulously during the bye-election of the Councils/Committees. Some of the major guidelines to be followed at the time of bye-election are reproduced as under:-

- (a) Candidates who have criminal cases against them- either pending or in which the candidate has been convicted, shall publish a declaration about such cases, for wide publicity, in two newspapers (at least one Hindi and one English) having wide circulation in the concerned municipal area. The declaration is required to be published (in prescribed Format C-1) at least on three different dates from the day following the last date for withdrawal of candidatures and upto two days before the date of poll.
- (b) Candidates with criminal cases are also required to publish the above declaration on local TV channels or cable networks (If locally available) on three different dates during the above mentioned period and upto 48 hours ending with the hour fixed for conclusion of poll.
- (c) The Returning Officer shall give a written reminder (in prescribed Format C-2) about the directions given herein for publishing declaration about the criminal cases in newspapers and local TV channels or cable networks (if locally available) for wide publicity to all candidates who have criminal cases as per the declaration in items (5) and (6) of Form 1C. The candidates shall submit copies of the newspapers in which their declaration in this regard was published to the Deputy Commissioner or an officer authorized by the State Election Commission, alongwith their account of election expenses.

- (d) In the case of candidates with criminal cases set up by political parties, whether recognized parties or registered un-recognized parties, such candidates are required to declare before the Returning Officer concerned that they have informed their political party about the criminal cases against them.
- (e) Recognized Political parties and registered un-recognized parties, which set up candidates with criminal cases, either pending or of past conviction, are required to publish declaration (in prescribed Format C-3) giving details in this regard on their website as well as in local TV channels or cable networks (if locally available) and at least two newspapers (one Hindi and one English) having wide circulation in the municipal area concerned.
- (f) Recognized Political parties and registered un-recognized parties, which set up candidates with criminal cases shall have to submit a report to the Deputy Commissioner concerned stating that they have fulfilled the requirements of the directions, and shall enclose paper cutting containing declaration published by the party in this respect. This shall be done within 30 days of completion of election.

14. Information pertaining to the criminal antecedents of the contesting candidates obtained in the prescribed forms alongwith nomination paper must also be hosted on the official website of district administration and the same shall remain hosted on the website till the completion of next general election of that municipal body. The directions in this respect given in Commission's letter No. SEC/1ME/2017/1117-38 dated 2nd June, 2017 be followed meticulously.

15. The expenditure limit to be incurred by the contesting candidate or his/her authorized election agent(s) for the election of Member of the Municipal Council/Municipal Committee must be brought to the notice of all contesting candidates.

Name of Municipal Body	Member
Municipal Committee	Rs. 2,50,000
Municipal Council	Rs. 3,50,000

16. Counting of votes polled at the election shall be taken up after the close of poll at all polling stations of the concerned municipality. The details (Accounts) of votes polled at each polling station shall be prepared in Part-II of Form 18 by the Presiding Officer and forwarded to the concerned Returning Officer for consolidation of counting votes on Form 8 mentioning therein the total number of valid votes polled in favour of each candidate on each polling station and declare the candidate, who is found to have obtained the largest number of votes, as elected member from the ward.

17. After declaration of result of election under Rule 62, the Returning Officer shall forthwith post a copy of return (*i.e.* Form 8- Consolidation of account of the counted ballot papers) at a conspicuous place in his office and send a copy thereof to the Deputy Commissioner, who shall forward the same immediately but not later than three days, names of the candidates elected to the State Election Commission, Haryana for notifying the same in the official gazette. The Deputy Commissioner shall ensure that the names and other particulars of the elected candidates should be the same as are recorded in the nomination paper.

18. All contesting candidates are required to maintain account of election expenditure and submit the same within 30 days from the date of declaration of the result of the election to the Deputy Commissioner or an officer authorized by the State Election Commission, failing which the defaulting candidate shall be liable to be disqualified under Section 13F of the Haryana Municipal Act, 1973 and Haryana Municipal Election Expenditure (Maintenance and submission of accounts) Order, 2020, for a period of five years from the date of issue of such order. The Deputy Commissioner or an officer authorized by the State Election Commission shall check account of election expenses and send a list of contesting candidates who have filed and not filed the election expenditure statement, to the Commission within a period of 7 days from the completion of prescribed time limit of 30 days.

DHANPAT SINGH,
State Election Commissioner, Haryana.